

SENATOR **Nell Soto** 32nd Senatorial District

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Kwikset Ordered to Turn Over Critical Documents and Witnesses to Water Board in Water Crisis Case

RIVERSIDE, CA—Kwikset Corporation was ordered to turn over key documents and give investigators access to corporate officials in an important groundwater contamination case being pursued by the Santa Ana Regional Water Quality Control Board (RWQCB), according to an order issued by the board yesterday. The decision came after a precedent-setting hearing a week ago in which Kwikset attempted to overturn subpoenas issued by the RWQCB.

In the order, Kwikset was found to have no justification for withholding documents, personnel or for failing to comply with the validly issued subpoenas. Kwikset Corporation had attempted to overturn the subpoenas and to withhold key information from investigators.

In the order, Carole Beswick, presiding officer of the RWQCB, noted that "... Kwikset Corporation, in failing to comply with the Regional Board Staff's subpoenas, are engaging in gamesmanship designed to seek inappropriate advantages and delay, rather than to resolve the matters of grave public concern regarding the potential responsibility of Kwikset Corporation for the abatement of the serious threat posed by perchlorate contamination."

In addition to yesterday's ruling, the RWQCB today issued a proposed order that would require Kwikset/Black and Decker and Goodrich Corporation (NYSE:GR) to provide replacement water to affected cities and water agencies. Kwikset Corporation is a subsidiary of Black and Decker (NYSE:BDK). In today's order, the RWQCB proposed to add Black and Decker to all previous orders issued by the RWQCB.

A hearing has been set regarding the replacement water order and other pending orders on September 13 in Colton City Council Chambers.

State Senator Nell Soto, (D-32), who formed a Perchlorate Task Force earlier this year to help bring the polluters to justice, said of the board's decision: "I want to thank the Chair of the Water Board for providing badly needed leadership in the face of corporate intimidation. This order will force Kwikset Corporation to comply with the subpoenas and turn over information that is crucial to uncovering the truth."

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In response to the region wide crisis caused by perchlorate contamination, Sen. Soto convened the Inland Empire Perchlorate Task Force (PTF) in June of this year. The PTF includes some of the cities and water companies affected by the contamination, as well as the executive officer of the Regional Water Board, the Department of Toxic Substances Control and the San Bernardino County District Attorney's Office. Senator Soto's mandate to the PTF is to find the polluters and sources of perchlorate, force them to clean up their mess, and require them pay for all the costs associated with the contamination, including the cost of replacement water needed to keep the area's residents and businesses supplied.

In July, in cooperation with the Inland Empire Perchlorate Task Force, the RWQCB served subpoenas on Kwikset demanding documents and witnesses related to the company's manufacturing, use, and storage of ammonium perchlorate, a compound used in ammunition, propellants and other types of explosives found in air bags and flares. Perchlorate is known to be harmful to humans affecting the thyroid glands. It is considered to be especially harmful to fetuses in the early stages of development and to young children.

Water wells near and around the Kwikset facility have tested positive for perchlorate and many of the area's wells have been shut down due to the contamination, contributing to a water shortage.

State law gives the RWQCB authority to compel attendance, testimony or the production of evidence as provided in the Water Code. If these demands are ignored, the Board has indicated it will initiate contempt proceedings and seek enforcement in Superior Court.

Barry Groveman, environmental attorney and chair of the PTF, said, "Black and Decker/Kwikset needs to come to the table and be the good corporate citizen they claim to be. Contaminating a community's groundwater and then walking away—or worse, trying to hide the fact—is not good corporate citizenship. This is not a game of "gotcha;" these are real and serious issues that can have an impact on people's health and the economy of the Inland Empire. I am calling on the CEO of Black and Decker, Neil Archibald, to come out, come out where ever you are, sit at the table and explain to the Task Force, the Senator, the Water Board, and the community how you will put public health first and help solve the water crisis.

"This task force will continue to use any and every legal enforcement tool available to resolve this crisis and make the polluters pay."

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